

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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SECURITIES AND EXCHANGE	:
COMMISSION,	:
	:
Plaintiff,	:
	:
v.	:
	:
RICHARD F. SELDEN,	:
	:
Defendant.	:
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RICHARD F. SELDEN,	:
	:
Plaintiff,	:
	:
v.	:
	:
UNITED STATES FOOD AND DRUG	:
ADMINISTRATION and ANDREW C.	:
VON ESCHENBACH, in his official	:
capacity as acting commissioner of the	:
United States Food and Drug	:
Administration,	:
	:
Defendants.	:
----- X	

Civil Action
No. 05-11805-NMG

Civil Action
No. 06-11807-NMG

JOINT MOTION TO HOLD PENDING MOTIONS IN ABEYANCE

The Securities and Exchange Commission (“SEC”), Richard F. Selden (“Dr. Selden”), the U.S. Food and Drug Administration (“FDA”) and Andrew C. von Eschenbach (collectively, the “Parties”), hereby jointly move this Court to hold in abeyance the three other motions presently pending before this Court in light of the Parties’ ongoing efforts to resolve the underlying discovery disputes without further court intervention.

WHEREFORE, the Parties respectfully request that their motion be granted and that the following motions be held in abeyance pending further order of this Court:

- 1) FDA’s and Andrew C. von Eschenbach’s Motion To Dismiss in Selden v. FDA, Civ. No. 06-11807-NMG-RBC (D. Mass., filed Oct. 20, 2006) (Docket No. 12);

- 2) Richard F. Selden's Cross-Motion To Preclude Admission Of FDA Evidence in Selden v. FDA, Civ. No. 06-11807-NMG-RBC (D. Mass., filed Oct. 27, 2006) (Docket No. 16); and
- 3) Richard F. Selden's Cross-Motion To Preclude Admission Of FDA Evidence in S.E.C. v. Selden, Civ. No. 05-11805-NMG-RBC (D. Mass., filed Oct. 27, 2006) (Docket No. 19).

Dated: May 7, 2007

Respectfully submitted,

/s/ David E. Butler

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CERTIFICATE OF SERVICE

I, Justin J. Daniels, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 7, 2007.

Dated: May 7, 2007

/s/ Justin J. Daniels
Justin J. Daniels